**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.24246 of 2006

Dated:22.11.2006

Between
V.Thimmappa

.....Petitioner

and

1.The Joint Collector,
Collector's Officer, Kurnool
and others.

...Respondents

**THE HON'BLE SRI JUSTICE C.V.RAMULU**

W.P.No.24246 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings in Rc.B/1098/2006 dated 10.11.2006 of the 2nd respondent canceling the authorization of the petitioner for the fair price shop of Kothaburuju village, as illegal and arbitrary.

It appears that the petitioner is a fair price shop dealer of Kothaburuju Village, Dhone Mandal, Kurnool District. While so, on the basis of the report dated 28-8-2006 submitted by the 3rd respondent-Mandal Revenue Officer, Dhone, after calling for explanation from the petitioner, his authorization was cancelled by the 2nd respondent-Revenue Divisional Officer, Kurnool *vide* impugned proceedings dated 10.11.2006.

There is no necessity to go into all the details. It seems that the petitioner has already filed a statutory appeal along with stay petition before the 1st respondent-Joint Collector, Kurnool being aggrieved by the impugned proceedings dated 10.11.2006.

The grievance of the petitioner is that neither the stay petition nor the appeal has been disposed of by the 1st respondent.

It is the contention of the learned counsel for the petitioner that even assuming that the petitioner has committed certain irregularities, the very charges do not warrant suspension of authorization of the petitioner. The charges read as under:

> **Charge No.1**: That the FP shop dealer is selling essential commodities at higher rates i.e., rice at Rs.5.50, K.Oil at Rs.10/- instead of Rs.5.25 and K.Oil Rs.9.50 respectively and thereby contravened the condition 7 of Authorization issued under A.P. State Public Distribution System Control Order, 2001 and Condition 12 (XVIII) © of G.O.Ms.No.53 Consumer Affairs, Food and Civil Supplies

(CS.I) Department dated 6.10.2003.

**Charge No.II**: The FP shop dealer is issuing lesser quantity of Rice ie., 18 Kgs instead of 20 kgs and not issuing as per the entitlement of card holders, which is against the sub-clause (III) of Clause 22 of A.P. State Public Distribution System (Control) Order, 2001.

Prima facie, I am of the opinion that the charges framed against the petitioner are general in nature and no specific allegation is there with reference to any of the card holders nor any such enquiry was conducted by the Mandal Revenue Officer, in this regard.

In view of the above, I deem it appropriate to suspend the operation of the impugned proceedings dated 10.11.2006 during pendency of the appeal before the 1st respondent-Joint Collector.

In the result, writ petition is disposed of. The 1st respondent is directed to dispose of the appeal purported to have been filed by the petitioner, within a period of eight weeks, from the date of receipt of a copy of this order and not to give effect to the impugned proceedings during pendency of appeal. No costs.

22-11-2006

Note:
Issue CC by two days.
(B.O) rkk